

## BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation or	)	
	)	
Suspension of the Educator	)	ORDER OF
	)	
Certificate of	)	SUSPENSION
	)	
Mary Holbrook Lumpkin,	)	
	)	
Certificate 070255	)	

### SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this certificate suspension or revocation matter on January 11, 2005. On April 19, 2004, the South Carolina Department of Education (Department) sent Dr. Mary Holbrook Lumpkin a notice of her right to a hearing before the State Board concerning the possible suspension or revocation of her South Carolina educator certificate number 070255 by certified mail, return receipt, restricted delivery, and regular mail. Dr. Lumpkin received the notice as evidenced by a postal receipt. Dr. Lumpkin subsequently requested a hearing that was held by John J. Fantry, Esquire, a hearing officer appointed by the State Board, on September 21, 2004. On January 11, 2005, Mr. Fantry presented his report to the State Board. Mr. Fantry recommended an eight-month suspension from September 21, 2004, through May 21, 2005. After receiving the report the State Board voted to accept the recommendation of the hearing officer and suspended Dr. Lumpkin's certificate for the eight-month period.

### FINDINGS OF FACT

On April 2, 2003, Dr. Mary Holbrook Lumpkin served as test administrator for the Math portion of the High School Exit Exam for a special needs student. The student was under an Individualized Education Plan (IEP), which specified

what accommodations were to be made for the student during standardized test administration. During the test administration, Dr. Lumpkin's actions exceeded the accommodations specified in the student's IEP. As a result, Dr. Lumpkin violated State Board of Education Regulation 43-100 Mandatory Test Security Procedures and Georgetown County School District Policy ILB-Test Administration.

### **CONCLUSIONS OF LAW**

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2004), S.C. Code Ann. 59-25-160 (2004); 24 S.C. Code Ann. Regs. 43-58 (1991). Just cause includes "Willful violation of the rules and regulations of the State Board of Education." S.C. Code Ann. § 59-25-160 (2004). After considering the findings of the hearing officer, the State Board concludes that there is substantial evidence to support the suspension of the educator certificate of Dr. Mary Holbrook Lumpkin for eight months, from September 21, 2004, through May 21, 2005, on the grounds of willful violation of the rules and regulations of the State Board of Education.

South Carolina State Board of Education

By: /S/ Paul M. Forrester

Paul M. Forrester

Chair

Columbia, South Carolina

January 11, 2005